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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MICHAEL S. MILILLO ET AL.

Serial No.: 10/023,321

Filed: December 18, 2001

For: CACHE STORAGE SYSTEM AND METHOD

Attorney Docket No.: 2001-053-ICE

Group Art Unit: 2185

Examiner: John M. Ross

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is an Appeal Brief from the final rejection of claims 1, 4-6 and 9-22 of the Office Action mailed on May 11, 2005, for the above-identified patent application.

**I. REAL PARTY IN INTEREST**

The real party in interest is Storage Technology Corporation ("Assignee"), a corporation organized and existing under the laws of the state of Delaware, and having a place of business at One StorageTek Drive, MS-4309, Louisville, Colorado 80028-4309, as set forth in the assignment recorded in the U.S. Patent and Trademark Office on December 18, 2001 at Reel 012396/Frame 0110.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

November 23, 2005  
Date of Deposit

Timothy J. Marsh  
Name of Person Signing

*Timothy J. Marsh*  
Signature

**CONCLUSION**

For the reasons set forth above, the Examiner has failed to establish a *prima facie* case for the rejection of claims 1, 4-6 and 9-22. Therefore, the final rejection of these claims should be reversed.

Please charge the fee of \$500.00 as applicable under the provisions of 37 C.F.R. § 41.20(b)(2) and any additional fees or credit any overpayment in connection with this filing to Deposit Account No. 19-4545.

Respectfully submitted,

**MICHAEL S. MILILLO ET AL.**

By: Timothy J. Marsh  
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Date: November 23, 2005

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Enclosure - Appendices